

AMENDED IN SENATE JUNE 9, 2016

AMENDED IN ASSEMBLY MAY 27, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2656

Introduced by Assembly Member O'Donnell
(Coauthors: Assembly Members Chang, Gallagher, Cristina Garcia,
Gipson, Linder, and Maienschein)

February 19, 2016

An act to amend Sections 48412 and 51421.5 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2656, as amended, O'Donnell. Pupils: diploma alternatives: fee waiver: foster youth.

Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by, or with the approval of, the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions but prohibits the fee from exceeding an amount equal to the cost of test

renewal and administration per examination application. Existing law prohibits the department from charging the fee to an examinee who qualifies as a homeless child or youth and meets other specified criteria.

This bill would additionally prohibit the department from charging the fee to a foster youth, as defined, who is under 25 years of age.

Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent. Existing law prohibits a scoring contractor or testing center that charges its own separate fee from charging that separate fee to an examinee who qualifies as a homeless child or youth, is under 25 years of age, and can verify his or her status as a homeless child or youth.

This bill would additionally prohibit the scoring contractor or testing center from charging the fee to a foster youth, as defined, who is under 25 years of age.

Existing law requires the Superintendent, on or before December 1, 2018, to submit 2 reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

This bill would require the Superintendent to also incorporate data on high school proficiency or equivalency test examinees who are foster youth, as defined, into each report.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48412 of the Education Code is amended
2 to read:

3 48412. (a) (1) A person 16 years of age or older, or who has
4 been enrolled in the 10th grade for one academic year or longer,
5 or who will complete one academic year of enrollment in the 10th
6 grade at the end of the semester during which the next regular
7 examination will be conducted, may have his or her proficiency
8 in basic skills taught in public high schools verified according to
9 criteria established by the department.

10 (2) The state board shall award a “certificate of proficiency” to
11 persons who demonstrate that proficiency. The certificate of
12 proficiency shall be equivalent to a high school diploma, and the
13 department shall keep a permanent record of the issuance of all
14 certificates.

15 (b) (1) The department shall develop standards of competency
16 in basic skills taught in public high schools and shall provide for
17 the administration of examinations prepared by or with the approval
18 of the department to verify competency. Regular examinations
19 shall be held once in the fall semester and once in the spring
20 semester of every academic year on a date, as determined by the
21 department, that will enable notification of examinees and the
22 schools they attend, if any, of the results thereof not later than two
23 weeks before the date on which that semester ends in a majority
24 of school districts that maintain high schools.

25 (2) In addition to regular examinations, the department may, at
26 the discretion of the Superintendent, conduct examinations for all
27 eligible persons once during each summer recess and may conduct
28 examinations at any other time that the Superintendent deems
29 necessary to accommodate eligible persons whose religious
30 convictions or physical handicaps prevent their attending one of
31 the regular examinations.

32 (c) (1) The department may charge a fee for each examination
33 application in an amount sufficient to recover the costs of
34 administering the requirements of this section. However, the fee
35 shall not exceed an amount equal to the cost of test renewal and
36 administration per examination application. All fees levied and
37 collected pursuant to this section shall be deposited in the State
38 Treasury for remittance to the current support appropriation of the

1 department as reimbursement for costs of administering this
2 section. Any reimbursements collected in excess of actual costs
3 of administration of this section shall be transferred to the
4 unappropriated surplus of the General Fund by order of the Director
5 of Finance.

6 (2) The department shall not charge the fee to an examinee who
7 meets all of the following criteria:

8 (A) The examinee qualifies as a homeless child or youth, as
9 defined in paragraph (2) of Section 725 of the federal
10 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
11 11434a(2)), or as a foster youth, as defined in subdivision (h).

12 (B) The examinee has not attained 25 years of age as of the date
13 of the scheduled examination.

14 (C) For an examinee who qualifies as a homeless child or youth
15 pursuant to subparagraph (A), the examinee can verify his or her
16 status as a homeless child or youth. A homeless services provider
17 that has knowledge of the examinee's housing status may verify
18 the examinee's status for purposes of this subparagraph.

19 (3) For purposes of this subdivision, a "homeless services
20 provider" includes either of the following:

21 (A) A homeless services provider listed in paragraph (3) of
22 subdivision (d) of Section 103577 of the Health and Safety Code.

23 (B) Any other person or entity that is qualified to verify an
24 individual's housing status, as determined by the department.

25 (4) The loss of fees pursuant to paragraph (2), if any, shall be
26 deemed to be a cost of administering this section for purposes of
27 paragraph (1).

28 (d) (1) The state board shall adopt rules and regulations as ~~are~~
29 necessary for implementation of this section.

30 (2) Notwithstanding paragraph (1), the state board shall adopt
31 emergency regulations, as necessary, to implement the provisions
32 of subdivision (c), as amended by the act that added this paragraph.
33 The adoption of these regulations shall be deemed to be an
34 emergency and necessary for the immediate preservation of the
35 public peace, health, and safety, or general welfare.

36 (e) The department shall periodically review the effectiveness
37 of the examinations administered pursuant to this section. The
38 costs of this review may be recovered through the fees levied
39 pursuant to subdivision (c).

(f) (1) On or before December 1, 2018, the Superintendent shall submit a report to the appropriate policy and fiscal committees of the Legislature that includes, but is not limited to, all of the following:

(A) The number of homeless youth and foster youth that took a high school proficiency test in each of the 2016, 2017, and 2018 calendar years.

(B) The impact of the opportunity to take a high school proficiency test at no cost on the number and percentage of homeless youth and foster youth taking a high school proficiency test.

(C) The estimated number of homeless youth and foster youth who may take a high school proficiency test in future years.

(D) Recommendations for a permanent funding source to cover the cost of the waived fees.

(E) The annual and projected administrative cost to the department.

(F) The annual and projected reimbursement to contractors pursuant to this section.

(2) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2020, pursuant to Section 10231.5 of the Government Code.

(g) Additional state funds shall not be appropriated for purposes of implementing paragraph (2) of subdivision (c).

(h) For purposes of this section, a “foster youth” means any individual who meets or has ever met one of the following criteria:

(1) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(2) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

SEC. 2. Section 51421.5 of the Education Code, as added by Section 3 of Chapter 384 of the Statutes of 2015, is amended to read:

51421.5. (a) If, for purposes of this article, a contractor or testing center charges an examinee its own separate fee, the

1 contractor or testing center shall not charge that fee to an examinee
2 who meets all of the following criteria:

3 (1) The examinee qualifies as a homeless child or youth, as
4 defined in paragraph (2) of Section 725 of the federal
5 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
6 11434a(2)), or as a foster youth, as defined in subdivision (h).

7 (2) The examinee has not attained 25 years of age as of the date
8 of the scheduled examination.

9 (3) For an examinee who qualifies as a homeless child or youth
10 pursuant to paragraph (1), the examinee can verify his or her status
11 as a homeless child or youth. A homeless services provider that
12 has knowledge of the examinee's housing status may verify the
13 examinee's status for purposes of this paragraph.

14 (b) For purposes of this section, a "homeless services provider"
15 includes either of the following:

16 (1) A homeless services provider listed in paragraph (3) of
17 subdivision (d) of Section 103577 of the Health and Safety Code.

18 (2) Any other person or entity that is qualified to verify an
19 individual's housing status, as determined by the department.

20 (c) Additional state funds shall not be appropriated for purposes
21 of implementing this section.

22 (d) Notwithstanding subdivision (c), the Superintendent may
23 use surplus funds in the Special Deposit Fund Account, established
24 pursuant to Section 51427, to reimburse contractors for the loss
25 of fees, if any, pursuant to this section. A contract executed by the
26 department for the provision of examinations pursuant to Section
27 51421 or this section shall require that any contracting party accept
28 all examinees, including those entitled to a fee waiver pursuant to
29 this section. For purposes of this subdivision, "surplus funds" are
30 funds remaining after the costs permitted by subdivision (a) of
31 Section 51421 are paid.

32 (e) On or before December 1, 2018, the Superintendent shall
33 submit a report to the appropriate policy and fiscal committees of
34 the Legislature that includes, but is not limited to, all of the
35 following:

36 (1) The number of homeless youth and foster youth that took a
37 high school equivalency test in each of the 2016, 2017, and 2018
38 calendar years.

39 (2) The impact of the opportunity to take a high school
40 equivalency test at no cost on the number and percentage of

1 homeless youth and foster youth taking a high school equivalency
2 test.

3 (3) The estimated number of homeless youth and foster youth
4 who may take a high school equivalency test in future years.

5 (4) Recommendations for a permanent funding source to cover
6 the cost of the waived fees.

7 (5) The annual and projected administrative cost to the
8 department.

9 (6) The annual and projected reimbursement to the contractor
10 pursuant to this section.

11 (f) The Superintendent shall adopt emergency regulations, as
12 necessary, to implement this section. The adoption of these
13 regulations shall be deemed to be an emergency and necessary for
14 the immediate preservation of the public peace, health, and safety,
15 or general welfare.

16 (g) The department shall include a provision in all
17 memorandums of understanding with contractors for purposes of
18 providing a high school equivalency test, that if the surplus funds
19 in the Special Deposit Fund Account are depleted, the ongoing
20 costs of a fee waiver for an examinee deemed eligible for a waiver
21 pursuant to this section shall be absorbed by the contractor.

22 (h) For purposes of this section, a “foster youth” means any
23 individual who meets or has ever met one of the following criteria:

24 (1) A child who was the subject of a petition filed pursuant to
25 Section 300 of the Welfare and Institutions Code and removed
26 from his or her home by the juvenile court pursuant to Section 319
27 or 361 of the Welfare and Institutions Code.

28 (2) A child who was the subject of a petition filed pursuant to
29 Section 602 of the Welfare and Institutions Code and removed
30 from his or her home by the juvenile court pursuant to Section 727
31 of the Welfare and Institutions Code.

32 (i) This section shall become inoperative on July 1, 2019, and,
33 as of January 1, 2020, is repealed, unless a later enacted statute,
34 that becomes operative on or before January 1, 2020, deletes or
35 extends the dates on which it becomes inoperative and is repealed.

36 SEC. 3. Section 51421.5 of the Education Code, as added by
37 Section 4 of Chapter 384 of the Statutes of 2015, is amended to
38 read:

39 51421.5. (a) If, for purposes of this article, a contractor or
40 testing center charges an examinee its own separate fee, the

1 contractor or testing center shall not charge that fee to an examinee
2 who meets all of the following criteria:

3 (1) The examinee qualifies as a homeless child or youth, as
4 defined in paragraph (2) of Section 725 of the federal
5 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
6 11434a(2)), or as a foster youth, as defined in subdivision (f).

7 (2) The examinee has not attained 25 years of age as of the date
8 of the scheduled examination.

9 (3) For an examinee who qualifies as a homeless child or youth
10 pursuant to paragraph (1), the examinee can verify his or her status
11 as a homeless child or youth. A homeless services provider that
12 has knowledge of the examinee's housing status may verify the
13 examinee's status for purposes of this paragraph.

14 (b) For purposes of this section, a "homeless services provider"
15 includes either of the following:

16 (1) A homeless services provider listed in paragraph (3) of
17 subdivision (d) of Section 103577 of the Health and Safety Code.

18 (2) Any other person or entity that is qualified to verify an
19 individual's housing status, as determined by the department.

20 (c) Additional state funds shall not be appropriated for purposes
21 of implementing this section.

22 (d) The Superintendent shall adopt emergency regulations, as
23 necessary, to implement this section. The adoption of these
24 regulations shall be deemed to be an emergency and necessary for
25 the immediate preservation of the public peace, health, and safety,
26 or general welfare.

27 (e) The department shall include a provision in all
28 memorandums of understanding with contractors for purposes of
29 providing a high school equivalency test, that if the surplus funds
30 in the Special Deposit Fund Account are depleted, the ongoing
31 costs of a fee waiver for an examinee deemed eligible for a waiver
32 pursuant to this section shall be absorbed by the contractor.

33 (f) For purposes of this section, a "foster youth" means any
34 individual who meets or has ever met one of the following criteria:

35 (1) A child who was the subject of a petition filed pursuant to
36 Section 300 of the Welfare and Institutions Code and removed
37 from his or her home by the juvenile court pursuant to Section 319
38 or 361 of the Welfare and Institutions Code.

39 (2) A child who was the subject of a petition filed pursuant to
40 Section 602 of the Welfare and Institutions Code and removed

- 1 from his or her home by the juvenile court pursuant to Section 727
- 2 of the Welfare and Institutions Code.
- 3 (g) This section shall become operative on July 1, 2019.

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